
UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

**INSTRUCTIONS FOR HOLDING REFERENDUM ON
BURLEY TOBACCO MARKETING QUOTAS**

In the event that the Secretary of Agriculture, pursuant to the provisions of section 312(a) of the Agricultural Adjustment Act of 1938, proclaims a national marketing quota for Burley tobacco for the marketing year beginning October 1, 1940, a referendum of farmers who were engaged in production of the 1939 crop of Burley tobacco will be held, pursuant to the provisions of section 312(c) of said act and in accordance with the regulations hereinafter set forth, on a date to be announced by the Secretary of Agriculture, to determine whether such farmers are in favor of or opposed to such quota.

The following forms will be used:

- 40-Tob-16. Instructions for Holding Referendum on Burley Tobacco Marketing Quotas.
- 40-Tob-17. Register of Eligible Voters and Ballots Cast.
- 40-Tob-18. Notice—Burley Tobacco Marketing Quota Referendum.
- 40-Tob-19. 1940 Burley Tobacco Marketing Quota Referendum Ballot.
- 40-Tob-20. Community Summary of 1940 Burley Tobacco Marketing Quota Ballots.
- 40-Tob-21. County Summary of 1940 Burley Tobacco Marketing Quota Ballots.
- 40-Tob-22. State Tabulation of 1940 Burley Tobacco Marketing Quota Ballots.

A. VOTING ELIGIBILITY

All farmers who were engaged in the production of Burley tobacco in 1939 are eligible to vote in the Burley tobacco marketing quota referendum. Any person who shares in the proceeds of the 1939 Burley tobacco crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper is considered as having been engaged in the production of Burley tobacco in 1939. If several members of the same family participated in the production of Burley tobacco on a farm in 1939, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who had an independent bona fide status as operator, sharetenant, or sharecropper and was entitled as such to share in the proceeds of the 1939 crop.

For any farm on which records have been obtained in connection with the 1939 agricultural conservation program showing correctly those persons entitled to receive a share of the proceeds of the tobacco crop grown on the farm in 1939, only those persons so shown as entitled to receive such share shall be eligible to vote in the referendum.

No person shall be eligible to vote in any community other than the community in which he resides, except, as follows: (a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of tobacco in 1939. (b) Any person who does not reside in the county in which he was engaged in the production of tobacco in 1939 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the county office of the county in which he was engaged in the production of tobacco in 1939 not later than the date of the referendum (the postmark on the envelope in which the ballot was mailed shall be conclusive evidence of the date of mailing).

There shall be no voting by mail (except as provided above) by proxy, or by agent, but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

Farmers who planted Burley tobacco in the field in 1939, but harvested no tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as having been engaged in the production of Burley tobacco in 1939 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

No farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in the production of Burley tobacco in two or more communities, counties, or States in 1939.

In the event two or more persons engaged in producing Burley tobacco in 1939 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

The following statements will serve as examples to illustrate the eligibility of persons to vote in particular instances.

(a) In the case of a husband and wife who engaged in the production of Burley tobacco as joint owners of a farm each is eligible to vote; and similarly in the case of a husband and his wife or a father and his son who engaged in the production of Burley tobacco in 1939 as joint tenants the husband and wife or the father and son, as the case may be, are each eligible to vote.

(b) A person who is considered as a wage hand on a farm but who receives part or all of the proceeds from a fixed acreage of tobacco and thus shares in the proceeds of the 1939 crop of Burley tobacco produced on the farm would be considered as a sharecropper and shall be eligible to vote.

(c) If any person gives a member of his family a part of the tobacco crop or its proceeds but such member of the family does not have an independent status on the farm as a share-tenant or sharecropper then such member of the family is not eligible to vote.

(d) A person acting as administrator, excutor, or guardian, or in some similar fiduciary capacity, is eligible to vote for each estate or person for whom he acts in such capacity if such estate or person was engaged in the production of the 1939 Burley tobacco crop. In such

event the heirs of the estate for whom the administrator or executor acts are not eligible to vote by virtue of being such heirs nor is the person for whom the guardian or other fiduciary acts eligible to vote.

(e) A minor is eligible to vote only if he was the owner-operator of a farm on which Burley tobacco was produced in 1939 or if as a party to a bona-fide lease or operating agreement he had an independent status as operator, share-tenant, or sharecropper and as such was entitled to share in the proceeds of the 1939 Burley tobacco crop.

B. INSTRUCTIONS TO COUNTY COMMITTEES

The county agricultural conservation committee (hereinafter referred to as the county committee) shall be responsible for the proper holding of the referendum in the county and shall:

1. Have prepared in duplicate, prior to the date of the referendum, a registration list on 40-Tob-17 showing the name and other information required on the form for each farmer in the county who was engaged in the production of Burley tobacco in 1939. The registration list should be prepared by communities using as far as possible the records obtained under the 1939 agricultural conservation program. For those farms on which performance has not been checked the county committee should have the respective community committeeman or farm supervisor obtain the following information:

- (a) The name of the farm operator;
- (b) The name of each share-tenant or sharecropper growing Burley tobacco on the farm in 1939;
- (c) The acreage share of each such person in the tobacco grown on the farm;
- (d) The tenure of each such person; and
- (e) The name and location of every other farm on which each such person engaged in the production of Burley tobacco in 1939.

In obtaining the above information, the farm operator may be requested by letter to visit the county office or a designated place in the community within a specified time for the purpose of furnishing the information; or a community committeeman or supervisor may visit the farm operator and obtain the information. In preparing the registration list (40-Tob-17) it is suggested that the procedure indicated by the example below be followed:

	Farm serial No.	Names of farmers eligible to vote	Tenure of farmer	Initials of committee- man issuing ballot
	A	B	C	D
1	100	Adams, A. A.	O	
2		Black, B. B.	C	
3		White, W. W.	C	
4	106	Brown, B. B. (Non-resident)		

If the registration list is prepared in accordance with the example above, the name of the farm operator will be listed in the left side of Column B, and in the lines immediately beneath the line on which the name of the farm operator is listed there will be listed in the right side of Column B the name of each share-tenant or sharecropper on the farm who shares in the proceeds of the 1939 Burley tobacco crop. Preferably all farms operated by the same person in any community should be listed in order and the name of such operator listed only once. However, if the name of any person who resides in a community is listed more than once in that community the words "Vote other farm" should be written beside his name for each farm with respect to which it is listed except for the first farm listed for him on the registration list. If the name of any person is listed in any community and such person does not reside in such community the words "Non-resident" should be written beside such person's name.

2. Designate one readily accessible place for balloting in each community and give public notice of the date of the referendum and of the time and place for balloting. Such notice shall be given by posting the notice form (40-Tob-18) at one or more places open to the public within each community as soon as possible after the date of the referendum has been announced.

3. Make use (without advertising expense) of all available agencies of public information, including newspapers and radio, to give Burley tobacco farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice shall be given as soon as possible after the date of the referendum has been announced.

4. Designate three local farmers residing in each community who produced Burley tobacco in the community in 1939 as the members of the community referendum committee to conduct the referendum on the national marketing quota for Burley tobacco in such community, and name one of the members chairman of the committee. Designate also one such farmer as an alternate to serve on the committee in the event that any of the three regular members cannot serve.

5. In counties with a combined total of less than 200 Burley tobacco farms, the county committee may treat the county as one community for the purpose of the referendum and hold the referendum and perform the duties both of county committee and community referendum committee.

6. See that each community referendum committee is provided with a suitable ballot box in which to place the ballots cast in the referendum.

7. See that 40-Tob-17 has been prepared, in accordance with the instructions herein, to show the persons eligible to vote in the referendum in each community.

8. Deliver the original of 40-Tob-17 and a supply of 40-Tob-19 and 20 to the chairman of the community referendum committee. Retain 40-Tob-17a in the county office.

9. See to it that the community referendum committees understand their duties as to (a) issuing ballot forms, (b) recording and challenging votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

10. Notify the State committee by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of "Yes" and "No" votes in the referendum held in the county.

11. Meet not later than two days after the date of the referendum for the purpose of receiving and summarizing on 40-Tob-21 the data contained on 40-Tob-20. Such meeting shall be open to the public. 40-Tob-21, showing the results in the county, shall be prepared and certified in quadruplicate, the original and one copy shall be sent to the State agricultural conservation committee (hereinafter referred to as the State committee) not later than four calendar days after the date of the referendum, one copy posted for sixty days in a conspicuous place accessible to the public in or near the office of the county committee (hereinafter referred to as the county office) and one copy permanently filed in the county office, where it shall be open to public inspection.

12. Notify the State committee as soon as possible by mail (on 40-Tob-21) as to the final outcome of the referendum in the county.

13. Make an investigation in each case of controversy or dispute regarding the eligibility of a voter. In each case where a ballot is marked "Challenged" by the community referendum committee, the eligibility of such person shall first be determined. If it is determined that such person is eligible, the ballot shall be placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots shall have been passed upon by the committee those ballots found to be valid shall be tabulated in the county summary. If it is determined that such person is not eligible the ballot shall be preserved with other ballots, as provided in paragraph 15 of this section B.

14. Make an immediate investigation in each case of dispute regarding the correctness of the summary of the referendum in a community.

No dispute shall be investigated by the county committee unless it is brought to its attention within ten calendar days after the date on which the referendum in question was held. The county committee shall promptly decide the dispute and immediately report its findings to the State committee. All voted ballots, register forms, and community summary sheets involved in the dispute shall be mailed or delivered in person to the State office.

15. Seal the voted ballots, challenged ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Burley Tobacco Referendum 1940", followed by the name of the county) and place them under lock and key in a safe place under the custody of the secretary of the county agricultural conservation association for a period of sixty calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed and the register and community summary sheets permanently filed in the county office, where they shall be open to public inspection.

C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each community referendum committee designated by the county agricultural conservation committee shall:

1. Arrange, with the assistance of the county committee, for conducting the referendum.

2. Assist the county committee in giving adequate public notice of the time and place for casting ballots in advance of the date on which the referendum will be held.

3. Provide a place where each voter can prepare and cast a ballot in secret and without interference.

4. Provide ballot boxes. Any container so arranged that ballots cannot be seen and cannot be removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed so that breaking or replacing the seal will affect or destroy the identifying marks and show that the seal has been tampered with.

5. Open the polls not later than 9:00 o'clock A. M., local standard time, on the date fixed for the referendum.

6. Hold the referendum in a fair and unbiased manner.

7. Initial the ballot and also the registration list (40-Tob-17) opposite the name of the voter prior to issuance of the ballot to the voter. The initials of one committeeman will be sufficient but the committeeman who initials the ballot for a voter also should initial the registration list for such voter. If the eligibility of the voter is challenged make entries on the ballot form as required in paragraph 9 prior to issuance of the ballot to the voter.

8. Instruct each voter, as he is handed a ballot form, to mark his ballot so as to show which way he votes then to fold the ballot and place it in the ballot box.

9. Issue a ballot to each person who claims to be eligible to vote and requests a ballot, even though his eligibility is challenged by the committee. The committee shall challenge the eligibility of any person to vote:

(a) If his name is not recorded on the register of eligible voters (40-Tob-17) prior to the date of the referendum;

(b) If he was not engaged in production of Burley tobacco in 1939 in the community where the community referendum committee has jurisdiction over the polls, or if there is some indication beside his name that he should vote in another community; or

(c) If the committee is not certain that he has a bona-fide status as a farmer engaged in the production of Burley tobacco in 1939.

In every case where the eligibility of any person to vote is challenged, the community referendum committee shall, prior to the issuance of the ballot to such person, write across the back of the ballot in large letters the word "Challenged" and underneath such word the following:

(a) The name of such person;

(b) The name or number or letter of the community in which such person claims to have produced Burley tobacco in 1939;

- (c) The name of the operator of the farm on which such person claims to have produced Burley tobacco in 1939; and
- (d) A concise statement of the reason for challenging the eligibility of such person to vote.

The committee shall provide each farmer whose ballot is challenged as provided above an envelope in which the farmer may seal the ballot before placing it in the ballot box.

10. For each farmer to whom a ballot form is issued but who is not already listed on 40-Tob-17 prior to the time the ballot is issued to him, record thereon the information required in columns A to D, inclusive.

11. Close the polls and discontinue acceptance of ballots at 5:00 o'clock P. M., local standard time, on the date of the referendum, or such later hour as is fixed by the State committee.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referendum on 40-Tob-20. The number of challenged ballots cast shall be entered on 40-Tob-20, in the space provided, and will not be shown as being either for or against the marketing quotas. If any ballot is found to be mutilated or marked in such a way that it cannot be determined whether the voter favored or opposed marketing quotas, it shall not be counted as a ballot cast, the number of such spoiled ballots shall be entered in the space provided and such ballots placed in an envelope marked "Spoiled Ballots", followed by the designation of the community.

14. The total number of ballots issued as shown by the entry on the registration list of the initials of committeemen who issued the ballots shall be determined. The total number of ballots cast (including challenged, spoiled and invalid ballots) shall be determined. If any ballot was cast which was not initialed by a committeeman such ballot shall be marked "Invalid" and included among the spoiled ballots as provided in paragraph 13 above.

15. Certify to the accuracy of the executed 40-Tob-17 and 40-Tob-20 by signing in the spaces provided.

16. Notify the county committee by telephone, or in person, as soon as possible after the closing of the polls as to the preliminary count of "Yes" and "No" votes in the community.

17. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheets, and the community summary sheets in one or more envelopes appropriately identified by the designation of the community and deliver them to the county committee not later than two calendar days after the date of the referendum, with the unused ballots and other forms. The chairman of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

18. Post an executed copy of 40-Tob-21, as soon as it is executed, at a conspicuous place at the polling place and see that it remains posted and accessible to the public for at least three calendar days after the date of the holding of the referendum.

D. INSTRUCTIONS TO STATE COMMITTEES

The State committee shall be in charge of and responsible for the conducting of the referendum in the State and shall:

1. Notify the applicable regional director by telegraph as to the preliminary count in the referendum in the State of votes for and votes against marketing quotas.

2. Summarize on 40-Tob-22 the information contained on 40-Tob-21 and mail two fully executed 40-Tob-22's to the applicable regional director not later than seven calendar days after the date of the referendum. If one sheet proves insufficient for listing the information with respect to all counties in the State, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy of 40-Tob-21 and 40-Tob-22 shall be permanently filed in the State office of the Agricultural Adjustment Administration where it shall be open to public inspection.

3. Complete the investigation of any report from any county regarding controversies, irregularities, or disputes over the correctness of summaries of the referendum, not later than fifteen calendar days after the date of the referendum, and promptly forward its findings in such cases to the applicable regional director.

E. RESULTS OF REFERENDUM

Final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Administration and the results of the referendum announced by the Secretary of Agriculture. The reports on 40-Tob-22 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection.

Each county committee is authorized to release to the public press and to other inquirers unofficial reports of the total "Yes" and total "No" votes in the referendum in the county.

The State committee is authorized to release to the press and to other inquirers the unofficial results of the referendum for the respective State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agriculture Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any community referendum committee, county committee, or State committee shall be reexamined and checked by such persons or agencies as may be designated.

Done at Washington, D. C., this 14th day of September, 1939.
Witness my hand and seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.